

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

In re:)
)
Kerrick, Jacque Sue) Case No. 09-62693-ABF
Debtors.)

**TRUSTEE'S MOTION TO DEPOSIT FUNDS INTO THE REGISTRY
WITH CERTIFICATE OF SERVICE**

COMES NOW Fred Charles Moon, Chapter 7 Trustee, and moves the Court to order the deposit of the following uncashed distributed dividend funds into the Registry:

One uncashed 12/30/10 Final Report distribution check #104 in the amount of \$1,062.95 to Creditor North Star Capital Acquisition, LLC, 600 Broadhollow Road, Suite #200, Melville, New York 11747-5016 (Claim #2), that remained outstanding for over ninety (90) days and on which the Trustee issued a "Stop Payment" on March 31st, 2011; On 03/31/11, the Chapter 7 Trustee's paralegal attempted to contacted said creditor via telephone using a phone number obtained from an on-line computer goggle search since no phone number was listed on Creditor's Proof of Claim, and said paralegal was able to obtain a fax number for said creditor in Amherst, New York, but was unable to reach any person who knew anything about said Proof or Claim or the Trustee's Final Report Distribution payment that was made on said claim; that on 03/31/11, the Trustee's paralegal sent a detailed facsimile to said creditor in Amherst, New York, attaching a copy of creditor's Proof of Claim and a copy of Trustee's distribution check and requesting a response from said creditor within ten days; that the ten days has elapsed and the Chapter 7 Trustee has not received any communications from said creditor.

The Trustee contends that creditor North Star Capital Acquisition, LLC should still have the right to claim said funds and, in order to bring closure for this bankruptcy case, Trustee believes it would be in the best interest of all parties to deposit said funds into the Court's Registry.

WHEREFORE the Trustee prays:

- (1) That the Court enter an Order authorizing him to pay to the Clerk of the United States Bankruptcy Court the sum of \$1,062.95 in uncashed distributed dividends to be deposited into the Registry Fund; and

- (2) That the Court enter an Order sustaining the request for affirmative relief contained herein and confirming the relief requested herein and that any such Order incorporate the Motion and relief requested therein by reference, including its file document docket number with the Office of the United States Bankruptcy Clerk, Western District of Missouri; and
- (3) That the Court grant such other and further relief as it deems just and proper under the circumstances.

Dated this 11th day of April, 2011.

MOON & MOON

ATTORNEYS-AT-LAW, P.C.

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/s/Fred Charles Moon

FRED CHARLES MOON

CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the forgoing instrument was served upon:

1. Ms. Nancy J. Gargula, United States Trustee, United States Courthouse, 400 East Ninth Street, Room 3440, Kansas City, Missouri 64106;
USTPregion13.KC.ECF@usdoj.gov
2. Mr. Jerry L. Phillips, Trial Attorney for the United States Trustee's Office, United States Courthouse, 400 East Ninth Street, Room 3440, Kansas City, Missouri 64106;
Jerry.L.Phillips@usdoj.gov
3. Ms. Shari K. DeArmon, Attorney for Debtor, Groce & DeArmon, 1705 North Jefferson Avenue, Springfield Missouri 65803;
ggandd@swbell.net
4. Recover Management Systems Corporation, Creditor, 25 S.E. Second Avenue, Suite 1120, Miami, Florida 33131-1605;
5. North Star Capital Acquisition, LLC (Claim #2), 600 Broadhollow Road, Suite 200, Melville, New York, 11747-5016;

6. North Star Capital Acquisition, LLC (Claim #2), 220 John Glenn Drive, Suite #100, Amherst, New York, 14228; and
7. All other parties requesting notice.

by electronic filing or by depositing a copy of same in the U.S. Mail, postage prepaid on this 11th day of April, 2011.

/s/Fred Charles Moon
FRED CHARLES MOON
CHAPTER 7 TRUSTEE